A

SHORT SKETCH

OF THE

REVOLUTION

IN

1688;

WITH OBSERVATIONS ON THAT EVENT.

By LÆLIUS.

THE SECOND EDITION.

MUCH ENLARGED AND ILLUSTRATED.

Justum, et tenacem propositi virum,
Non civium ardor prava jubentium,
Non vultus instantis tyranni,
Mente quatit solida.

Hor.

Printed in the Year 1793.

BRITISH MUSEUM

ADVERTISEMENT,

TO THE FIRST EDITION.

THE annexed pages were deſigned for inſertion, as a letter, in a provincial newſpaper much circulated throughout the neighbourhood of the writer. But being found too long for ſuch a purpoſe, and not admitting, in their original form, of any proper abridgment, the deſign was entirely relinquiſhed.—Accidentally, however, a written copy of them fell into the hands of ſeveral gentlemen of high political reſpectability, who, approving of the matter they contain, ſtrenuouſly adviſed their publication in another mode.

It was totally in conſequence of this, that the author has conſented to alter, in ſome degree, the original form they poſſeſſed, and to add his little aſſiſtance to the preſent ſtock of political information. To this he is the more induced from a perſonal knowledge of many who have publicly ſigned their names, of late, to the moſt exaggerated encomiums of the REVOLUTION in 1688; *and who, in their reſpective ſpheres of life, are far ſuperior to the indiſcriminating multitude, the* avidum genus auricularum, *whoſe information is the mere reſult of general, and popular report; without being acquainted, in any tolerable degree, with the occurrence of that eventful period.*

The praiſes of the REVOLUTION have, indeed, at all times, been obtruded on our ears: we have

imbibed a reverence for it from our earlieſt moments of infantine ſimplicity; and the cenſure of it has almoſt been conceived to be blaſphemy. But the reign of prejudice is decaying: an undaunted ſpirit of enquiry, that contemns the ſhackles of education, imitation, and habitude, is advancing with rapid ſtrides among the nations: and, however natural ſuch an ill-founded approbation might have been forty years ago, it is by no means ſuitable at the preſent period.

.....

The firſt edition of this little Pamphlet, though not uſhered into the world with the uſual formalities of public advertiſements, paſſed off entirely in the courſe of a few days; and the demand for another impreſſion was loud, and inceſſant.

As ſome apology for having delayed this new edition ſo long, therefore, the author begs leave to remark that it contains more than half of freſh matter, every page from the twenty-ſixth being entirely new, and many antecedent to it; and that the avocations of an active profeſſion prevented its completion before.

MARCH 20th. 1793.

A

SHORT SKETCH, &c.

AS we are accuſtomed, at the preſent period, to hear ſo much concerning the REVOLUTION in 1688, and the Conſtitution that was then eſtabliſhed, it may not be improper to devote ſome portion of our time to a conſideration of the events that abſolutely occurred at that æra; that, if they appear of real, and ſolid importance, we may have a fuller conſciouſneſs of the propriety of the terms "*memorable*, *glorious*, and *immortal*," which it is now the faſhion continually to apply to it; or if, on the contrary, they do not appear of any high moment, or eſtimation, we may recal the too flattering epithets we have hitherto beſtowed upon it.

Upon the abdication of JAMES II. there being at that time no Parliament exiſting, it is univerſally known that, in conſequence of letters addreſſed by the Prince of Orange to the Peers and Commons of Great Britain, a general Convention of Repreſentatives aſſembled. The firſt reſolution this Convention adopted was to prepare a bill, or declaration of rights, (ſimilar, as is therein ſpecified, *to what had frequently been done before*) which was immediately preſented to the Prince and Princeſs, at that time

time ſitting in ſtate at the Banqueting-houſe; who, upon accepting it, had inſtantly an offer made to them of the crown, in the name of the Peers and Commons of the kingdom. This offer was likewiſe accepted; and the Convention was almoſt immediately converted into a Parliament.

This firſt outline of affairs has certainly a very promiſing aſpect; but, in order to decide with accuracy upon the real beauty of the Conſtitution, which, it is ſaid, was at that time eſtabliſhed, and the great advantages the nation has gained by the change, it will be neceſſary to enquire, not only what were the rights at that time demanded by the people, in the declaration of its Convention, but by what means thoſe rights were to be ſecured in future.

Whoever minutely examines the table of rights, as they were then claimed, and acceded to, however proper he may acknowledge ſuch a table to be, muſt at the ſame time be conſcious, if he have at all ſtudied the hiſtory of this country, that it contains very little, if any thing, but what had frequently been demanded before, and nearly as often granted; a conceſſion that is made in the preamble of the declaration itſelf.—The King indeed, who, for ſome years anterior, had been repreſented by a few bigoted eccleſiaſtics, as deriving his authority ſolely from heaven, his title *jure divino*, was hereby compelled to recognize that title and authority, as entirely derived from the people; and that by their free voice and conſent he ſat upon the throne. But this is a doctrine which had been determined long before, and that repeatedly, and at all times, in

in favour of the ſame party. It was ſo, not to mention many other expreſs inſtances, by the compact of King John, when he acceded to Magna Charta; it was ſo on the depoſition of Richard II. and more particularly in the ſixteenth year of the reign of Charles I. when, to appeaſe the murmurs of the people, and the inflexibility of Parliament, he conſented to relinquiſh a great part of what, for a ſeries of years, he had imagined his undoubted prerogative. Indeed there is but little difference between the compact entered into with the reigning monarch at this time, and that which was afterwards carried into effect at the Revolution. Like the Convention at that period, the Parliament at this, obtained the abolition of the ſtar-chamber, and high commiſſion court, and the repeal of the tax for ſhip-money, and all levies made without the conſent of itſelf. The Marſhal's and Stannary Court, with the councils of the NORTH and of WALES, were, at this period, likewiſe aboliſhed as illegal and oppreſſive; and to prove to the King, and the world at large, the ſenſe it had of his dependence upon his people, the duties of tonnage and poundage were granted for periods of time not exceeding two months. And as to the duration of Parliament, which in the Bill of Rights it is merely obſerved, *ought* to be held frequently*, the King at this time

*"And that for the redreſs of all grievances, and for the amending, ſtrengthening, and preſerving of the laws, Parliaments ought to be held frequently."—Vide Declaration of Rights.

Is it not in ſome degree ſingular, that after ſuch an article mutually agreed upon, the Convention Parliament that propoſed it ſhould itſelf ſit ſix years before it was diſſolved? A triennial bill was indeed introduced into Parliament before this time; but it was negatived by the expreſs deſire of the Court. Such was the influence of regal authority in the very infancy of the Conſtitution, and ſuch the regard it was forced to pay to its late compact.

found himſelf neceſſitated to aſſent to a regular triennial act. But in reality there was nothing very remarkable introduced at the period of the Revolution, in favour of the people, more than had frequently been attained before†; and by no means ſo much as they enjoy even at the preſent moment; particularly ſince Mr. FOX's Libel Bill has been aſſented to, and that infamous doctrine of the Law Courts, *de quæſtione legis non reſpondent juratores*, has been reſigned and exploded; an event big with the moſt happy promiſes to the future liberty of the preſs, and which only requires an alteration in the mode of nominating *ſpecial juries*, to render it complete. For though, in caſes of private diſpute, there may be no impropriety in referring this nomination to the *Crown-office*, yet when the ſuppoſed libel is directed againſt the State, when Government itſelf becomes a party concerned, the impropriety is moſt groſs and conſpicuous.

But whatever were the rights demanded by the people at the REVOLUTION, it is obvious that demand, though acceded to, could be of no real avail unleſs thoſe rights were properly ſecured in future. This was the error into which the nation had fallen in former reigns. It had contented itſelf with the mere grant, the momentary redreſs of grievances, without taking any effective caution to circumſcribe that power, from the cruel talons of

† Conſtitutional writers have underſtood the Stat. 4 E. III. c. 14, 36, E. III. c. 10, conſtrued with reference to the *uſage* of thoſe times, to amount to ſtatutes for annual Parliaments; as they required a Parliament to be *holden* yearly; and in thoſe days, after the ſeſſion, Parliament was not continued by prorogation, but writs for a *new* one iſſued.

which

which it was then but barely liberated. For this ſecurity there were but two things neceſſary to be attended to at the REVOLUTION; and as we are ſo much accuſtomed to extol the wiſdom that was then diſcovered, let us examine whether this attention was abſolutely paid. The firſt was, to diminiſh in ſome effective manner, by deeds and not by words, the exorbitant prerogative of the Crown; and the ſecond, to ſelect, from the great body of the people, a definite number of Repreſentatives equally choſen, and beyond the poſſibility of miniſterial influence.—That the firſt was not attended to, is obvious; for the powers poſſeſſed by WILLIAM, though in ſome few reſpects *oſtenſibly* different, were, *in reality*, altogether the ſame as had been poſſeſſed by JAMES: there was a change of families, but not a change of prerogative; and it was owing to the different diſpoſitions of the houſe of STUART, and that of ORANGE, rather than to any thing elſe, that the nation was ſo much happier under the latter than under the former. "The new Monarch retained," ſays SMOLLET, (an hiſtorian who cannot be ſuppoſed to have poſſeſſed any undue bias on the popular ſide, who was expreſsly engaged by the Court, and paid moſt exorbitantly for his writings) "the new Monarch re-
"tained the old regal power over Parliaments in
"its full extent. He was left at liberty to convoke,
"adjourn, prorogue, and diſſolve them at his plea-
"ſure. He was enabled to influence elections,
"and oppreſs corporations. He poſſeſſed the right
"of chuſing his own council; of nominating all
"the great officers of ſtate, of the houſhold, the
"army, the navy, and the church. He reſerved

" the abſolute command of the militia; ſo that " he remained maſter of all the inſtruments, and " engines of corruption, and violence, without any " other reſtraint than his own moderation, and " prudent regard to the claim of rights, and prin- " ciples of reſiſtance, on which the Revolution was " founded. The King, who was made by the peo- " ple, had it in his power to rule without them; to " govern *jure divino*, though he was created *jure* " *humano*; and, though the change proceeded from " a republican ſpirit, the ſettlement was built upon " Tory maxims."

" Let not the eſtabliſhment at the REVOLU- " TION," ſays Mr. HUME, " deceive us. It " was only the ſucceſſion, and that only in the " regal part of the government, which was then " changed. And it was only the majority of ſeven " hundred who determined that change for near " ten millions. I doubt not indeed, but the bulk " of thoſe ten millions acquieſced willingly in the " determination, but was the matter left, in the " leaſt to their choice? Was it not juſtly ſuppoſed " to be, from that moment decided, and every " man puniſhed, who refuſed to ſubmit to the new " Sovereign?" †

Nor did the wiſdom of this convention of the people appear more conſpicuous in the parliamentary ſyſtem it adopted, whereby it might be rendered equal, and independent, than in the active

† Eſſays Vol. I. Of the Original Contract.

meaſures

meaſures it purſued to retrench the powers of the throne. Never did a fairer opportunity preſent itſelf for this purpoſe than at the REVOLUTION: never were the repreſentatives of a nation more called upon by duty to engage in this arduous undertaking, than thoſe at that time aſſembled. But they tranſacted nothing worthy of notice. With the moſt culpable indifference they permitted the golden moment to glide by unimproved, expended it in a mere puerile, and verbal diſputation§, and future generations have to ſuffer through their negligence. In reality, the ſyſtem adopted at that time was the ſyſtem which had been in uſe before, and which is in uſe ſtill; a ſyſtem, if ſyſtem it may be called, which has been reprobated by every party for a century, as a ſyſtem of inequality and dependence; which has never yet been rectified, and which, perhaps, has it not in its power to rectify itſelf. The Convention at that time ſitting had been elected, according to the mode of prior Parliaments, by letters addreſſed by the Prince of ORANGE, as ſtated in the Declaration of Rights, "to the Lords " Spiritual and Temporal, being Proteſtants, and " other letters to the ſeveral counties, cities, uni- " verſities, boroughs, and cinque-ports, for the " chuſing of ſuch perſons to repreſent them as were " of right to be ſent to Parliament*," that is according to antient uſage; and this Convention, *thus*

§ Concerning the terms "abdicated," "deſerted," and "vacant." on the choice of which, as to propriety, they were a long time incapable of deciding. An indeciſion which was properly commented upon, and ridiculed by the Parliament of SCOTLAND.

* Vide Preamble to the Declaration of Rights.

aſſembled, was, immediately after, converted into a Parliament, and became a model for every ſucceeding election.

The reformations in parliamentary repreſentation, which are ſo needful now, were, therefore, equally needful then; and we cannot be ſurpriſed that bribery, corruption, miniſterial influence, and every deleterious conſequence which enſues at preſent, ſhould have occured at that time. Mankind are the ſame in all ages; equally the ſlaves of ambition, equally expoſed to the faſcinations of ſplendour and riches. In effect, it is not, perhaps, poſſible to ſingle out any one epoch, in the whole Hiſtory of GREAT BRITAIN, when theſe fatal conſequences were more generally and more alarmingly felt than through the firſt four years ſucceeding the REVOLUTION. The King himſelf was aſtoniſhed at the immenſe ſums of money that were ſquandered away by his Miniſters to ſecure a majority in both houſes, and could not avoid teſtifying his regret. But the anſwer was, according to BURNET, that it had always been the *cuſtom* to act thus; and the King, who, by a new coronation oath, framed for the occaſion, had juſt before ſworn to govern "according to the ſtatutes in Parliament " agreed on, and the laws and *cuſtoms* of the ſame," accepted of the reply, and for the future was ſilent. But the example of Parliament had a moſt pernicious influence on the nation at large, and eſpecially on the lower orders of the people; and it was not till after proclamation had been iſſued on proclamation, nearly as frequently as at the preſent day, and aſſociations had been formed throughout the whole

whole kingdom, expreſsly for this purpoſe, that the torrent of vice, immorality, and prophaneneſs, was in any degree abated.

In reality the little that was done, at the period of the REVOLUTION, has been often a matter of ſurpriſe to many who have been moſt diſpoſed to ſtep forward in its entire approbation. Excuſes have been ſought after for an explanation of this myſtery: and it has been contended that the doctrine of ſtatiſtics was but then in its infancy; and that political government, and the unalienable rights of the people were but little defined, and comprehended. But this is to juſtify the convention by a ſtrange impeachment of its underſtanding. It is to argue for pretexts that can never be acceded to. The conſtitution eſtabliſhed ſo long before in HOLLAND, on the ruins of the deſpotiſm, and oppreſſion of SPAIN; the dreadful controverſies, and deſolations that had ſo long divided this wretched country during the reigns of the STUARTS; the abilities of a BEDFORD, a HALLIFAX, a HAMBDEN, a SOMERS, and a HOWARD, at this very period exiſting; and the works of a BACON, a TEMPLE, a GROTIUS, a MILTON, and a LOCKE, which were, at this moment, in the hands of every one; muſt be inconteſtible proofs that the inactivity diſplayed at the REVOLUTION, could not proceed from a want of proper ſources of information, or an ignorance of the ſcience of government. The rights of the people had been often trampled upon, and as often aſſerted with intrepidity. It was in a ſchool of long and ſevere diſcipline they had been taught what were

their

their unalienable immunities; and how needful were the bonds that were to guard thoſe immunities from infringement. The reſources of the AMERICANS for political counſel, when they ſeceded from GREAT BRITAIN, were ſcarcely more extenſive; and their motives to a perſeverance were even fewer, and leſs calamitous. But the wiſdom exhibited to preſerve the freedom of the people, and to provide for the neceſſary exigencies of the ſtate by the firſt AMERICAN congreſs, and the convention parliament at the REVOLUTION, will bear no compariſon whatſoever.

Such is a true ſketch of the tranſactions in the REVOLUTION of 1688; and who is there but muſt perceive, at a ſingle glance, the impropriety of that veneration which is continually paid to it? The fact is, that we are evermore diſpoſed to applaud the days in which we did not exiſt, than thoſe in which we do, and to enliſt too readily into the number of the *laudatores temporis acti*. At the time of the REVOLUTION the golden days of ELIZABETH comprized the period of full perfection; and, at the preſent period, it is the time of the REVOLUTION.

But there is another reaſon to be alleged, and which certainly ought not to be forgotten. Nothing with which we are acquainted is either great, or ſmall, luminous, or obſcure but by compariſon. To an ENGLISHMAN who has never adventured beyond his native iſland, the majeſtic mountains of SCOTLAND, or WALES, muſt appear inexpreſſibly ſtupendous, and ſublime; but to him who has

has travelled through SWITZERLAND, or SAVOY, who has witneſſed the mighty glacieres that riſe immeaſurably towards the heavens; and beheld the magnificent, and pictureſque ſcenery which is every where diſplayed, through thoſe romantic countries: the loftieſt mountains of GREAT BRITAIN muſt, to ſuch a traveller, appear ſimple, and diminutive. It is ſo in moral life. GREGORY of ROME was ſurnamed "the GREAT" from the mere poſſeſſion of negative merit. JOHN of NAVARRE was entitled "the GOOD" becauſe he ſtood in ſucceſſion to a number of execrable princes; and did not exhibit all the vices the nation had been accuſtomed to deplore in his predeceſſors. In the character of HENRY of TRASTAMARRE there was no peculiar prominence of active virtue at the moment he aſcended the throne of CASTILLE. But compared with PEDRO the Cruel, the tyrant who had immediately preceded him, his negative qualities draw forth our applauſe; and we are not ſurprized to find him commencing his reign amidſt the joyous ſhouts, and gratitude of his people.

The æra of the REVOLUTION in this country, defective as it was in the benefits it pretended to ſecure to the people, is infinitely to be preferred to the æra which it immediately ſucceeded; the character of WILLIAM of ORANGE to that of the STUARTS his predeceſſors. And, whatever diſſatisfaction the nation may have diſcovered in many inſtances, it was too well convinced of the general advantage it had hereby obtained, not to expreſs, in a compariſon, the moſt cordial gratitude, and veneration: a gratitude, and veneration, which,

which, in all their extreme, have blindly deſcended to ourſelves. The Conſtitution of 1688 is, in reality, the Conſtitution of 1793: little has been attempted to render it better, and not much to render it worſe. It was imperfect in its eſtabliſhment at firſt, and is highly imperfect ſtill; and ſpeculative men will therefore, in ſpite of all the efforts of Government to the contrary, boldly publiſh their opinions concerning its improvement; nor will ſuch opinions be publiſhed in vain. If Government will not adopt any of them, the people will; and what the people are once reſolutely determined to adopt, it is not in the art of the moſt politic Miniſter, it is not in the power of the moſt abſolute Monarch, to prevent. The UNITED WILL of the people is alone ſufficient: and nothing can reſiſt their ALMIGHTY FIAT.*

Not

* There is a paſſage ſo truly ſpirited in the writings of the celebrated J. J. ROUSSEAU, reſpecting the real ability of the people, and the comparative inſignificance of the reigning power, at particular periods, even though that power be deſpotic, that I cannot avoid tranſlating it; convinced that, though it ſhould not meet with the approbation of the generality of *modern* aſſociators, and declarators, amidſt their preſent tame, and inanimate productions, their echoes of inſipid ſentiments that have a hundred times been echoed before, the ſociety of "Friends to "the Conſtitution" in IRELAND; the ſociety, in every kingdom, that dares to think for itſelf, and to feel its own importance, muſt applaud the ſpirit it developes, while they contend for the truth of its aſſertions.

"Thy liberty, thy power, O man, extends only to the poſſeſſion of "thy natural ſtrength, and cannot paſs beyond it. Every thing elſe is "mere ſlavery, illuſion, deceit. Even thy dominion itſelf is dependent, "ſince it is only ſupported by opinion; for thou thyſelf art upheld by "the prejudices of thoſe, whom by prejudice alone thou governeſt To "conduct them agreeably to thy will, it is neceſſary to conduct thyſelf "agreeably to theirs. They have but to change their preſent manner of "thinking, and thou art inſtantly compelled to change thy manner of "acting. Thoſe who approach thee have but to govern the ſentiments "of the people, whom thou believeſt to be governed by thyſelf, and thy "vizirs, thy courtiers, thy prieſts, thy ſoldiers, thy valets, to the very "children

Not that there is any alarming degree of diſcontent, or general diſſatisfaction, exiſting throughout the country at preſent; but it is impoſſible to predict what may happen. It is not the province of a wiſe miniſter, however, to terrify the nation unneceſſarily: and poſterity will ſmile at beholding the BRITISH Parliament aſſembled in the year 1792, under an act which ſuppoſes actual invaſion, or at leaſt imminent danger thereof, or the caſe of rebellion or inſurrection,* and hearing its Members enquiring of each other where thoſe inſurrections, or rebellions were to be found? while one declared they exiſted in one place, and another in a ſecond, and all were equally deceived.

That there have been, indeed, ſome unhappy tumults of late, is an incontrovertible fact: but they

" children of the ſtate, though thou ſhouldſt be a THEMISTOCLES " in capacity, will inſtantly lead thee, as a child, in the midſt of all thy " legions. My people are my ſubjects, thou exclaimeſt with indignation. " Be it ſo. But then, who art thou, that thus exclaimeſt? The ſubject " of thy miniſters. And thy miniſters, in their turn, who are they? " The ſubjects of their clerks, of their miſtreſſes; the valets of their va- " lets. Take then all, uſurp all, and laviſh every treaſure with full " hands; elevate batteries of cannon; erect gibbets and wheels; pro- " mulge laws and edicts; multiply ſpies, and ſoldiers, and executioners, " and priſons, and chains. Poor, contemptible mortals! of what uſe " can be all ſuch preparations? Ye will neither be better obeyed, nor " leſs deceived, nor more abſolute. Ye will ever ſay *we will it*, and ye " will ever be obliged to ſubmit to *the will of others.*"

O homme, ta liberté, ton pouvoir ne s'etendent qu'auſſi loin que tes forces naturelles, et pas au de-la. Tout le reſte n'eſt qu' eſclavage, illuſion, preſtige. La domination, meme, eſt ſervile, quand elle tient à l'opinion; car tu depends des prejugés de ceux que tu gouvernes par les prejugés. Pour les conduire comme il te plait, il faut te conduire comme il leur plait, &c. *Maximes diverſes. Chap de l'Inegalité.*

* Theſe are the very words of the act of the 26th Geo. III. c. 107, ſ. 95, which ſeem clearly to ſhew that it muſt either be ſuch danger of invaſion, as can be proved by ſpecific facts, as of hoſtile armaments, for that aſcertained object, or a rebellion or inſurrection actually exiſting.

have always been, as at BIRMINGHAM, MANCHESTER, MOUNT-STREET, and CAMBRIDGE, by parties who have profeſſed themſelves peculiarly attached to Government, and the Conſtitution; they have always ariſen from ſome loyal motive: and, during the moſt violent of them, which occurred at the firſt of the above-mentioned places, it was not thought neceſſary to convene a Parliament at all.

Something of this kind, moreover, is continually manifeſting itſelf at the ſignature of almoſt every aſſociation, and declaration of loyalty that is made throughout the country. This, however, is to be conſidered, I ſuppoſe, as a mere ebullition of joy in the parties who are met together for this purpoſe. But, ſurely, there are happier modes of proving ourſelves *ſober* and *ſteady* friends of Government, than by *getting drunk* over the tune of "God ſave "the King," or of declaring ourſelves *peaceable* ſubjects, than by engaging in every *riot and exceſs*. Declarations, accompanied with ſuch extravagant teſtimonies of zeal, can only excite contempt in the ſober part of mankind. And every lawyer muſt be fully perſuaded that clubs and ſocieties, thus mutually entered into, for the purpoſe of oppreſſing individuals who think differently from themſelves, and chuſe to publiſh that difference of opinion, are totally illegal and invalid, contrary to the true ſpirit of the Conſtitution, and whoſe purpoſes could not be admitted of in any court of judicature in the kingdom.

How much more generous is it, if aſſociations muſt

muſt be the faſhion, and every one actively engage in political diſputes; how much more generous is it to aſſociate, like the ſocieties in DUBLIN, and DURHAM, for the unequivocal benefit of our country, and the purity, and reformation of its conſtitution: or, like "Friends to the freedom of "the Preſs" at the Crown and Anchor, in London, for the liberty of thought, and the extenſion of free enquiry. How much more generous is it inſtead of ſtringing together long liſts of trite maxims, and inquiſitorial reſolutions, to adopt ſuch language as this; "We aſſemble to object to the popular "proſecution of thoſe *public* offences which the "Crown, if they exiſt, is bound in duty, to proſe-"cute by the Attorney General; where no indi-"vidual can count upon a perſonal injury; and "where the perſonal intereſt of the ſubject is only "as a member of that public, which is committed "to the care of the executive authority of the "country. For the preſs, as it is to be affected by "aſſociations of individuals to fetter its general "freedom, *wholly unconnected with any attack up-"on private character*, is a very different conſide-"ration; for if the nation is to be combined to "ſuppreſs writings, without further deſcribing what "thoſe writings are, than by the general denomi-"nation—*ſeditious*; and if the exertions of theſe "combinations are not even to be confined to ſup-"preſs and puniſh the circulation of books, *alrea-"dy condemned by the judgments of Courts*, but are "to extend to whatever does not happen to fall in "with their private judgments:—if every writing "is to be proſecuted which they may not have the "ſenſe to underſtand, or the virtue to practiſe:—if

" no man is to write but upon their principles, nor " can read with ſafety except what they have writ- " ten, leſt he ſhould accidentally talk of what he " has read;—no man will venture either to write " or to ſpeak upon the topics of Government or its " Adminiſtration—a freedom which has ever been " acknowledged by our greateſt ſtateſmen and law- " yers to be the principal ſafeguard of that conſti- " tion, which liberty of thought originally created, " and which a FREE PRESS for its circulation gra- " dually brought to maturity."—

" We *will* therefore *maintain* and *aſſert*, by all " legal means, this ſacred and eſſential privilege, " the parent and guardian of every other. We " *will maintain* and *aſſert* the right of inſtructing " our fellow-ſubjects by every ſincere and con- " ſcientious communication which may promote " the public happineſs; and while we render obe- " dience to Government and to Law, we *will* re- " member at the ſame time, that, as they exiſt by the " people's conſent, and for the people's benefit, " they have a right to examine their principles, to " watch over their due execution, and to preſerve " the beautiful ſtructure of their conſtitution, by " pointing out as they ariſe, thoſe defects and cor- " ruptions which the hand of Time never fails to " ſpread over the wiſeſt of human inſtitutions.†"— Patriots well worthy of the unproſtituted name!— champions undaunted by every oppoſition, and re- ſtraint! may the moſt ample ſucceſs attend you!

† Vide Declaration of the Friends of the Liberty of the Preſs, &c. at the Crown and Anchor Tavern, January 19, 1793.

and

and may the nation that has given us birth, and is entitled to our moſt filial affection, be adequately benefited by your illuſtrious exertions!

Great, indeed, would be the advantage reſulting from the eſtabliſhment of ſuch aſſociations throughout the whole kingdom; uniting, and correſponding in one common fraternity. And it is an eſtabliſhment which, began with ſuch happy auſpices, will moſt probably, immediately take place. Such an inſtitution muſt be highly laudable at all times; but, at the preſent moment, peculiarly ſeaſonable, and expedient. It muſt be the moſt effectual means to repreſs that infatuated, and unconſtitutional ſpirit, which has, unaccountably, ſprung up amongſt us, and of taking the burden off from the ſhoulders of individuals too eaſily overthrown, amidſt all their rectitude of conduct, by the enormous ſtrength of counteracting multitudes. It would be entering on the conteſt in the ſame field, not, indeed, by returning oppreſſion for oppreſſion, but by reſiſting that oppreſſion in its infant efforts; by oppoſing hoſt to hoſt, and ſociety to ſociety.

The liberty of the preſs has been of ſuch immenſe advantage, and muſt ever continue ſo, to every ſcience that can contribute to the knowledge, and felicity of mankind, that the man who attempts to infringe on that inviolability it ought, at all times, to poſſeſs, proves himſelf, by ſuch an action, inimical to the beſt intereſts of his fellow ſpecies. Such a union of ſuch ſocieties would have this further advantage, moreover, of a more ſpeedy, and effectual circulation, of popular and patriotic pamphlets

phlets; without incurring the riſk of frivolous and vexatious proſecutions againſt the publiſhers of them.

Inſtead of attempting to ſilence by combination and coercion, how much more manly would it be, as well as more effectual, to come forward, and oppoſe fact to fact, and argument to argument. Let the battle be fought on the ſame field; let the ſame weapons be wielded; and the victor may then, with an honeſt rapture of heart, exult in the triumph he has gained. "The book of an individual," ſays an elegant, and popular writer of the preſent day, "has little, or no weight, but what it derives "from argument: and argument, if fallacious, may "be refuted; or if miſchevious, may be counter-"acted by better arguments in a better cauſe*."

But of all the ſteps that can poſſibly be taken to ſubvert the ſentiments of a party, or an individual in this country, perſecution muſt be the worſt, becauſe the moſt ineffectual, and at the ſame time ſupported with the greateſt trouble and expence. The moment of a man's oppreſſion, for any peculiarity of ſentiment, is the moment of his popularity; and how much ſoever thoſe ſentiments may have attracted the public attention before, they will now become an object of ten times more curioſity and inveſtigation. Thouſands who, from real idleneſs or indifference. would have otherwiſe remained unacquainted with them for ever, will now be roused from their inglorious torpor; and if a peruſal

* Dr. Parr's Sequel to a printed Paper, &c.

of

of them do not frequently terminate in conviction, they muſt be ſentiments or principles of which Government had never any reaſon to be afraid: and in whoſe oppoſition it has uſeleſsly exerted itſelf.

I beg the limitation here advanced may be attended to; "that perſecution is the moſt ineffectu-" al ſtep that can be taken to ſubvert the ſentiments " of a party, or an individual, *in this country.*" Perſecution has, I know, frequently diminiſhed, and at times abſolutely deſtroyed, the belief of particular opinions, or the ſtrength of particular ſects and parties. But this has only occurred in ſituations where the perſecution has been moſt rigorous and ſevere, and where it has continued for a long duration of time, without any intermiſſion whatſoever. It was by ſuch ſeverity the ardent ſpirit of Chriſtianity was nearly extinguiſhed in the reigns of TRAJAN and ADRIAN; it was by ſuch ſeverity the MOORS were expelled from SPAIN; and the Proteſtants of FRANCE moſt dreadfully diminiſhed in their numbers. But theſe are calamities that cannot, at this time, poſſibly occur in GREAT BRITAIN. The liberality of the age, and the conſciouſneſs which EVERY MAN feels of his own native dignity, conſtitute a barrier againſt ſuch evils that can never be ſurmounted. Let then proof alone be oppoſed to proof, induction to induction; but let no foreign force be introduced, no undue influence be made uſe of. Such a conduct, however oppreſſive in its means, muſt be altogether nugatory in its iſſue. Truth will, in the end, triumph over every oppoſition; and the advice of Gamaliel, which was founded on the diſcreteſt policy

policy in his time, is entitled to equal attention at preſent:—"Refrain from theſe men, and let "them alone; for if this council or this work be "of men it will come to nought; but if it be of "God ye cannot overthrow it; leſt haply ye be "found even to fight againſt God."

"Drive not away, then, with a frown, even the "viſionary reformer; pay the tribute of a hear-"ing to the ſpeculative recluſe, but *act* not, till "your plan of action has received its laſt and beſt "ſtamp of merit from the approbation of men, "whom practice in public affairs has not made cal-"lous to the public weal. Do not give either good "men the inclination to ſubvert tumultuouſly, or "bad men the power to undermine inſidiouſly, "what may be ſafely and advantageouſly preſerv-"ed. Do not let looſe the multitude to put forth "their own enormous and irreſiſtible ſtrength, in "vindication both of their own *ideal* and actual "rights. Let governors be parties, and indeed "leaders, in the improvement of government— "let parliamentary wiſdom and parliamentary au-"thority be employed in parliamentary reform, "not merely for the honour of parliament, but in "conformity to the ſober judgment and the ſolid "intereſts of the people, for whom, and by whom, "parliament ſubſiſts. Sooner or later this muſt be "done, and this being done *well*, few things will "remain undone, which ought to be done at all.†"

Whilſt

† Parr's Sequel, &c.

It is with a peculiar pleaſure and pride of heart the author is able to inform the public, that, ſince the firſt edition of this little tract, many with whom

Whilſt I am upon the ſubject of the preſent Declarations, and Clubs of loyalty and attachment to the Conſtitution, I cannot avoid animadverting upon the ſtrange conduct exhibited by great numbers of the Diſſenters, who, if we may judge by the ſignature of their names, in ſuch declarations, have undergone a total change in their ſentiments within the laſt two or three years; or elſe are endeavouring, in a very unmanly manner, to impoſe upon the public.—It is univerſally known, that about three years ſince, they were every where forming aſſociations of themſelves, in every part of the kingdom; every ſect, with ſcarcely the exception of an individual, united in one common fraternity: and they thus united to teſtify their diſapprobation of ſeveral ſtatutes in the Conſtitution, which were peculiarly oppreſſive to themſelves; and the *Teſt Act*, in particular, was an object of univerſal odium among them. For ſuch an odium, indeed, there was abundance of reaſon.—Religion and politics have no natural connection:—"My kingdom," ſaid our Saviour, "is not of this world;" and every honeſt citizen, contributing his quantum to the neceſſities of the ſtate, has an equal right to aſpire to its honours and emoluments. The attempts of the Diſſenters to free themſelves from this opprobrium were, therefore, founded on juſtice; and the conduct they purſued, though not always accompanied with proper policy and fineſſe, was open and man-

whom he is perſonally acquainted, and more of whom he has heard, who had aſſociated with great zeal and alacrity to proſecute the writers of all publications that might be deemed ſeditious, or, as the cant term is, levelling, have retracted their ſentiments on this ſubject, and wiſh they could retract the ſignature they have alſo given to ſuch declarations; which they now begin to think are, at leaſt, highly incongruous, if not diſgraceful to a nation pretending to any degree of political liberty.

ly. Whence then proceeds this ſudden reverſe of declarations, this ſtrange deviation from the path they had preſcribed to themſelves? It is in vain to aſſert that the *Teſt Act* is no real part of the Conſtitution of 1688; and that though they approve of the Conſtitution itſelf, they moſt ſtrenuouſly diſapprove of the ſeptennial act, the increaſe of places and penſions, and other abuſes which have inſenſibly crept among us ſince that æra. The *Teſt Act* is, at leaſt, as real a part of the Conſtitution eſtabliſhed at the Revolution as any ſtatute that was then enacted: it was paſſed fifteen years previous to it, ratified at the time, and deemed a requiſite abſolutely indiſpenſable; nor could William, with all his generous efforts, obtain more than a *mere toleration.* And to approve of a Conſtitution, while we diſapprove of the evils that inevitably flow from it, is to prevaricate; it is to approve of the cauſe while we diſapprove of the effect. However corrupt the ſenate may be at the preſent moment, it has been already obſerved that it is not more corrupt than it was a century ſince. Nor is it of any conſequence what duration may be allotted to Parliament, whether it be one, three, or ſeven years, while the means of corruption continue undiminiſhed. The Conſtitution of 1688 is in effect, with ſcarcely any exception of real moment, the Conſtitution of 1793; and for the Diſſenters to approve of the former, while they object to the latter, is to object inconcluſively, and to contradict themſelves; it is to deſert that character of inflexible honeſty which has, in former times, been their faireſt boaſt: it is to make uſe of a temporizing adulation which muſt ſink them in their own eſteem, and render them ſuſpicious in the eyes of others.

It

It has been much contended, however, ſince the publication of the firſt edition of this little tract, that the conſtitution of this kingdom is, in no reſpect, compoſed of ſtatutes enacted in parliament; or that if one ſtatute, of any importance, compoſe a part of the conſtitution, ſo muſt every one, even the meaneſt and moſt local as well. It becomes neceſſary, therefore, to enquire what is the real meaning of the term CONSTITUTION, as in general uſe amongſt us at preſent.

And here, I confeſs, from the different ſenſe in which it has been uſed by different writers, and partizans, it is a taſk of no ſmall difficulty to form a definition that may hope for any degree of general acceptation.

" *A conſtitution is the act of the whole people uni-*
" *verſally aſſembled by themſelves, or their repreſen-*
" *tatives equally and univerſally choſen.*"†

*Our glorious conſtitution, is a conſtitution conſiſting of king, lords, and commons.**

The conſtitution of this kingdom is the conſtitution of the antient BRITONS, and SAXONS; a conſtitution, " *in which, much as it is impaired by time,*
" *there are no dilapidations even now which may not*
" *be reſtored without altering its conſtruction.*"§

† Paine's Rights of Man.

* Half the Declarations that have lately appeared.

§ Hiſt. of the Boroughs vol 1. ch. Conſtitutional Rights p. 45 and 46.

" *It is at the æra of the* CONQUEST *that we are* " *to look for the real foundation of the Engliſh con-* " *ſtitution.*"†

Of theſe four definitions, or explanations of the term Conſtitution, neither of them, oppoſite as they are to each other, can be admitted as conveying its complete meaning, in the manner uſed by different parties at preſent.

The firſt, becauſe it cannot be applied to any government at this time exiſting; excepting, indeed, the AMERICAN; and to confine it in this very narrow compaſs would be almoſt to exclude the expreſſion from converſation. Such a definition is, undoubtedly, a juſt one of a pure popular conſtitution, but it is not the definition of the word as we generally uſe it ourſelves, or as we are authoriſed to do from its original and etymological conſtruction.

The ſecond is inadmiſſible becauſe it is inadequate to the the purpoſe it aims at: ſince we are perpetually ſpeaking of UNCONSTITUTIONAL actions, even when we do not mean actions that militate againſt the exiſtence of king, lords, and commons, or either of theſe eſtates ſeperately.

Of the third and fourth, I beg leave to remark that they cannot, either of them, comprize a definition, or explanation of the conſtitution of the preſent period, or even compoſe that conſtitution it-

† De Lolme's Conſtitution of England chap. 1.

ſelf.

ſelf. They were the conſtitutions of the æras to which they ſeverally refer, but can neither of them be admitted to compoſe the conſtitution of GREAT BRITAIN in the eighteenth century. And to contend that they might do ſo, is to contend that the DRUIDICAL, or the ROMAN CATHOLIC religion, the original eſtabliſhed religions of this country, is the real religion of the people at preſent. Who does not ſee that the greateſt innovations have been made in the latter, and that ſuch an aſſertion would be groſsly inconſiſtent and contradictory? and why, then, contend for ſuch an aſſertion in the former inſtance, in which equal, at leaſt, if not much greater, innovations have frequently occurred?

But not to oppoſe ſuch a variety of definitions without offering ſome ſubſtitute to replace them, I beg leave to premiſe the few following poſitions and remarks, and then to attempt a definition more adequate and general than has been hitherto advanced. And from whence, I truſt, it will appear inconteſtibly that many ſtatutes, though not all, that have been enacted by the people or their repreſentatives, not only may be allowed to compoſe a political conſtitution in part, and eſpecially the conſtitution of this kingdom, but that, in many inſtances, they form its chief baſes and bulwarks.

A POLITICAL CONSTITUTION, then, can never, with ſtrict, derivative propriety, be the act of an individual: it declares itſelf, by its very name to be the act of a party or plurality†. And

† From *con* and *ſtatuo*, to decree together, or together with.

whenever

whenever it is perfect, and pure, it must be the act of the people at large. A kingdom where the supreme ruler is despotic, and governs according to his own arbitrary pleasure, as MOROCCO, or TURKEY, is never said to have a constitution. A government it possesses; but a constitution it can never possess §. "Absolute monarchy," says Mr. LOCKE, "is inconsistent with civil society†." The edicts of the emperor ADRIAN, or of HENRY IV. of FRANCE, or the laws of FREDERIC III. of PRUSSIA, which were enacted by those princes themselves, without consulting the nation,

§ DENMARK, perhaps, ought to be an exception to this general rule, as an individual instance, since the surrender of its liberties to the reigning prince by the estates of the nobles, and commons unitedly. The government of this kingdom was, till of late, severely aristocratical, with an elective monarchy. But the clergy, and commons, on extraordinary occasions, were usually summoned, as a third estate, to deliberate by their representatives, on the affairs of the nation. It was on a summons of this kind, about the middle of the last century, that a most violent dispute arose between the two estates of nobles, and commons, in consequence of the haughtiness with which the former conducted themselves towards the latter. It was a haughtiness the commons were determined not to brook. And, to revenge themselves for the insolence they had received, they repaired immediately to the king, and requested him to accept of the crown as hereditary in his own family; to dissolve for ever the deliberative estates; to reduce all his subjects to an equality; and to render the supreme power absolute in his own person. These violent resolutions the nobles, at first, determined to oppose: but finding themselves inadequate to any effective resistance, they were seized with a sudden pannic; and pusillanimously consented to bend their necks to the yoke they deserved. Dreadful effect of haughtiness on the one hand, and unbounded passion on the other! which is not to be parallelled, I believe, in the history of the world; and which has been repeatedly, but vainly, repented of since.

It is obvious, however, from this short account, and the whole narration given by Lord MOLESWORTH, that, on the part of the nobles, this change of government was altogether an act of compulsion; and, on the part of the commons, an act perfectly illegal, and morally invalid; having been performed in a moment of fury and madness, by an usurpation of power, which was never delegated to them as representatives, or ever afterwards recognized by their fellow citizens.

† On Government, ch. 7.

or

or any council of the nation, may, with propriety, therefore, poſſeſs the terms by which they are generally known; but can never, with any degree of grace or conſiſtency, partake the names of *popular acts*, or *conſtitutions*: while the deciſions of FRANCE, and AMERICA, propoſed, and acceded to by the repreſentatives of the whole people, muſt, in the trueſt, and moſt critical ſenſe of the term, poſſeſs thoſe diſtinguiſhed appellations*.

The word CONSTITUTION, however, either in this country, or abroad, is not confined to the mere decrees that are determined upon by the delegated powers of the people; but is frequently uſed to expreſs thoſe delegated powers themſelves. In FRANCE, therefore, the late Conſtitution was expreſsly declared to be repreſentative; and the repreſentatives of it the Legiſlative body, and the King†. And the Conſtitution of GREAT BRI-

* The laws of the ROMAN Emperors are, many of them, I well know, denominated *conſtitutions*. But then they are, in general, ſuch only as were decreed for the welfare of the nation at large; and in which the emperor was aſſiſted by a council of civilians. THEODOSIUS, in the arrangement of his celebrated code, employed eight to ſuperintend it with their wiſdom and advice; and JUSTINIAN, in the digeſting of his pandects, employed the learned TREBONIANUS and ſixteen others. There is no emperor or king throughout EUROPE, of whom I have read, who in more modern times has preſumed to publiſh any law, or edict, with the ſacred name of conſtitution, when it has been framed entirely by himſelf, and ſolely deſigned to increaſe his own aggrandiſement, or prerogative. *Apoſtolical conſtitutions*, are regulations attributed to the Apoſtles unitedly: *eccleſiaſtical conſtitutions* are the decrees of eccleſiaſtical councils; the *conſtitutions of CLAREDON* are a code of laws eſtabliſhed by the parliament of that name.

† "La conſtitution FRANCAISE eſt repreſentative: les repreſentatives ſont le corps legiſlatif, et le roi."

Vide Report of the Conſtitutional Act.

TAIN

TAIN is frequently deſcribed as conſiſting of king, lords, and commons§.

Theſe obſervations being premiſed, the word CONSTITUTION; in its general, and political acceptation among us at preſent, may be defined

A complex term, compounded of the principles of government, and the ſyſtem of delegated powers by which it is adminiſtered.

If it be enquired what is meant by the "ſyſtem "of delegated powers in a country?" I reply thoſe from whence all others are derived; in AMERICA the congreſs; in FRANCE, when, of late, it had an accepted conſtitution, the legiſlative aſſembly, and the king; in GREAT BRITAIN the king, the lords, and the commons. If it be aſked what is meant by "the principles of government." I adjoin whatſoever act either modifies the exerciſe of the general political, or civil rights of the people; or changes any thing in the ſyſtem of the primary delegated powers. And that whether, like the common law of this country, it be a principle traditionary, and unwritten, but univerſally, and immemorially aſſented to; or whether, like its ſtatute law, it be the decree of the people, or their repreſentatives determined, at different periods of time, by parliamentary diſcuſſion, or any other overt act, wherever there be ſuch, of the people or their repreſentatives.

§ "The baſis of the ENGLISH conſtitution is that the legiſlative pow-"er belongs to parliament. The conſtituent parts of parliament are the "king, the houſe of lords, and the houſe of commons." De Lolme ch. 4, b. 1.

That

That many principles, and eſpecially in this country, are deemed ſtrictly conſtitutional which have never been decreed by any overt act of the people at large, or any convention of the people, muſt, I think, readily be admitted. For there is no overt act, at this time exiſting, in which the people were generally concerned, that inſtitutes the order of nobility, or even a houſe of commons. The firſt exiſts as the remains of the old feodal ſyſtem; and the ſecond has its origin ſo inveloped in darkneſs as to elude all poſſible diſcovery†. Yet no one, who is in the leaſt acquainted with the hiſtory of this kingdom, can be ignorant that the people have, for a multitude of centuries, conſtituted, by their acquieſcence, and approbation, both theſe eſtates as authorities to govern themſelves; and have often looked up to them as the chief baſes of their freedom.

But that the conſtitution of this country is founded upon, and embraces many ſtatutes enacted by the repreſentatives of the people, we have demonſtrations infinitely more conſpicuous, and incontrovertible. No one ever yet doubted that Magna charta, and ſtill more the charta de Foreſta, Trial by jury, Petition of right, Habeas corpus, and Bill of rights, are all moſt eſſential ingredients in our

† It will preſently appear that there was a ſpecies of parliament in uſe amongſt the antient BRITONS and SAXONS; and, perhaps, in common with theſe, amongſt all the antient northern nations. Intimations are likewiſe given of the meeting of parliaments previous to the reign of HENRY III. when their exiſtence is indiſputable. The declaration of rights eſtabliſhes ſuch a repreſentative body perhaps more fully than any other act exiſting; but even this only eſtabliſhes it hy a recognition of it *as an antient cuſtom*, and not by any *immediate compact* or *expreſs determination*.

preſent exiſting conſtitution; and that the removal of all, or any of theſe would be the deſtruction of its true principles, if not its annihilation altogether. But theſe are each of them ſtatutes, enacted in parliament, or conſented to afterwards and enrolled as ſtatutes by parliament; and that parliament, in every inſtance, excepting the two firſt, acknowledged by the people to be their repreſentatives.

It is in vain, then, to contend that no act of parliament compoſes a part of the conſtitution; or that if one act be admitted as a component part, the whole muſt be component parts as well. There are many, of a temporary and local nature that certainly are not; but there are many, as is inſtanced above, which evidently, and that in a moſt eſſential and incontrovertible manner do compoſe it. And the character of thoſe which muſt be deemed conſtitutional has been already defined; it is every one that attempts to modify the general rights of the people; or to change any thing in the ſyſtem of the primary delegated powers. "The parliament," ſays Blackſtone, "can change, and create afreſh, even the conſtitution of the kingdom, and of parliaments themſelves; *and it has done ſo by the act of union, and the ſeveral ſtatutes for triennial and ſeptennial elections*†."

If then, this definition be admitted, and I think it cannot be refuſed, what judgment are we to paſs reſpecting the act of uniformity, the corporation or the *teſt act*? Decreed as they were by the repre-

† Comment. vol 1, Rights of Perſons.

ſentatives

ſentatives of the people for the general good and general ſafety, it is impoſſible to exclude them from the liſt of conſtitutional ſtatutes, whatever we may do from that of equitable, or expedient ones.§ The act of ſettlement, which prohibits the crown from a papiſt, can have no ſuperior claim to conſtitutionality, if I may hazard a term which the debates of the day ſeem to demand. And it muſt be further obſerved reſpecting the *teſt act*, that, although it was not originally levelled againſt the different ſects of diſſenters from the eſtabliſhed church when it was firſt enacted in the reign of JAMES II. but merely againſt the members of the church of Rome; yet when it was afterwards diſcuſſed, and ratified on the acceſſion of WILLIAM and MARY, if there were any difference between diſſenters and papiſts, the former were more immediately the objects againſt which it was aimed than the latter.

The above definition of the term CONSTITUTION being allowed, it muſt moreover be obvious that there is no period in the hiſtory of this country when it has been ſettled in a pure, permanant, and equitable manner: and that the expreſſions of "reverting to its original principles," and

§ "It was an unaccountable miſtake in policy, and an error ill agree-
" ing with the prudence of King WILLIAM, in not ſecuring and bring-
" ing to juſtice thoſe traitors, who, by their flagitious counſels, had near-
" ly ruined the country and ſtate: thoſe, I mean, who once diſgraced
" the bench, and from that ſeat of juſtice, forgetting the duties they ow-
" ed their God, their king, and their country, and as little mindful of
" their own honour, and the public liberty, gave their opinion that the
" king might diſpenſe with the penal laws, and the teſt, *thoſe bulwarks*
" *of the Engliſh franchiſes*." Harleian Miſcellany, Sir W. Raleigh's Prerogative of Parliaments, &c.

"recovering it from the dilapidations by which it "has been impaired" are problematical, and require an explanation.

The hiſtory of this kingdom proves it to have been always mutable and fluctuating, equally ſubject to the events and the opinions of the day: "a "conſtitution," as a celebrated ITALIAN writer has juſtly obſerved, "ever changing, ever reform- "ing, but never perfected†."

Before the period of the NORMAN conqueſt, it appears to have been much purer, and more popular than we ſhould have expected, or perhaps than it is at preſent. The antient BRITONS poſſeſſed their commune concilium, kyfr-y-then, or popular convention. Many of their political cuſtoms were derived from the GERMANS; of whom TACITUS informs us that "on all matters of ſmaller mo- "ment their chiefs alone conſulted together, but "the whole nation on affairs of importance.*" This, indeed, was the practice among the ſmaller republics of GREECE; and, in their uncorrupted infancy, among the inhabitants of ROME. But the exerciſe of the rights poſſeſſed by the antient BRITONS was ſtill greater: they elected and dethroned their different kings throughout the ſeveral kingdoms into which the iſland was divided; and VORTIGERN, when he obtained the ſole mo-

† Cav. Filangieri. "Conſtituzione ſempre cangiante, ſempre rifor- "mante, ma giammai compita."

* De minoribus rebus principes conſultant, de majoribus, omnes. De mor. Germ cap. 11.

narchy

narchy of SOUTH BRITAIN, obtained it alone by the general conſent of the people. If, indeed, we trace government to its firſt origin in the woods and deſerts, "it is the people alone," as Mr. HUME has juſtly obſerved, "who are the ſource "of all power, and jurisdiction, and who volun- "tarily, for the ſake of peace and order, have a- "bandoned their native liberty, and received laws "from their equal and companion. The condi- "tions, upon which they were willing to ſubmit, "were either expreſſed, or were ſo clear, and ob- "vious, that it might be well eſteemed ſuperfluous "to expreſs them.—In vain are we aſked in what "records this charter of our liberties is regiſtered. "It was not written on parchment, nor yet on "leaves or bark of trees. It preceded the uſe of "writing, and all the other civilized arts of life. "But we trace it plainly in the nature of man, and "in the equality, or ſomething approaching equa- "lity, which we find in all the individuals of that "ſpecies.†"

The

† Eſſays vol. 1, On the Original contract. The term "ſomething "approaching equality" refers to his peculiar ſentiments reſpecting the origin of mankind: whom he divides into two claſſes, the whites, and the blacks; and ſuppoſes that each had, from the beginning, a different derivation.

This idea, which is founded on an imagined difference in mental capacity, and corporeal configuration, has been ſo frequently, and completely refuted by philoſophers embracing the oppoſite ſyſtem, that it would be as uſeleſs as it is foreign from the preſent ſubject, to enter into the diſpute in this place. Mr. RAMSAY's "Treatiſe" may be referred to, or "A "Poetical Epiſtle to the Honourable the Committee of the Houſe of "Commons aſſembled for hearing Evidence on the Slave Trade," containing a variety of phyſical, and philoſophical notes on this point; which is at preſent in the poſſeſſion of a member of that reſpectable body, and will be preſented to the public in a ſhort time.

But I ought not to forbear remarking in this place that, even allowing negroes to be a diſtinct, and inferior *ſpecies* of mankind, it could not affect

The ſame ſpirit of liberty, and of courſe the ſame mode of conſtitution that is to be traced among the earlieſt BRITONS, was diſcoverable during the government of the ANGLO-SAXONS. Thoſe countleſs folios of ſtatutes and reports which ſo uſeleſsly encumber our libraries at preſent, and which, inſtead of defining more accurately what the legiſlature intended, only contribute to the doubtfulneſs and perplexity of the law,† were not then exiſting in the nation. But they too poſſeſſed their mickle-gemotes, their popular convocations, and their wittena-gemotes, their aſſemblies of ſages, to aſſiſt their kings with their advice, and to determine on facts as they aroſe. The trial by a jury of twelve peers, that boaſt of the BRITISH conſtitution, that high palladium of real liberty had its origin at this period. It was attempted in the reign of ETHELRED, and completely atchieved in that of the great ALFRED. ‖

By the conqueſt of WILLIAM of NORMANDY every thing that could poſſibly refer to the old conſtitution, or indeed to any conſtitution

ſect their political equality of rights, while all rank under the ſame *general character*. While, I mean, all are rational beings; capable of underſtanding the uſe of language; and of aſſociating together on the principles of common right, and intereſt. An inferiority in the ſpecies, not affecting this general character, could not involve an inequality of right; any more than an inferiority in the *individuals* of any ſpecies is allowed to do.

† Juris nodos, legum que ænigmata. HOR.

‖ This important privilege ſeems to have been entirely overthrown, amongſt many others, by the Norman invaſion. And it is not till the reign of Henry II. that we retrace the ſmalleſt appearance of it. Vide Hiſt. of the Boroughs, Conſtitutional Rights.

at

at all, was completely ſubverted; and a new ſpecies of government, of the moſt tyrannical and arbitrary tendency, was introduced in its ſtead. Nor can we diſcern the ſmalleſt embryo of a conſtitution, or any decree for the welfare, or liberty of the people, obtained by a convocation eſpouſing their rights, till, in the reign of JOHN we, at length, meet with Magna charta, and, in that of HENRY III. with the charta de Foreſta. The firſt glimmering with ſome feeble advantage for the people, amidſt the maſs of feudal privileges which it conferred;† and the ſecond glowing with a luſtre more promiſing, and conſpicuous.§ In this reign, likewiſe we meet with the firſt full proof, upon record, of knights, citizens, and burgeſſes being ſummoned to take their ſeats in Parliament.

But reverting, for a few moments, to the conqueſt of WILLIAM of NORMANDY, it cannot

† This foundation of the ENGLISH conſtitution, as it has been dedominated, whatever advantages it beſtowed on the barons, has but little to do with the liberties of the people at large. And it is not till we wade through the firſt twenty eight chapters of the ſtatute, that we trace any important privelege advanced on their behalf. Then, indeed, it declares that "no freeman ſhall be taken, or impriſoned, or diſpoſſeſſed of his "freehold, or liberties, or free cuſtoms, or be outlawed, or exiled, or any "otherwiſe deſtroyed; nor will we paſs upon him, nor condemn him "but by lawful judgment of his peers, or by the law of the land, We "will ſell to no man, we will not deny, nor defer to any man either juſ-"tice or right." Nullus liber homo capiatur vel impriſonetur, vel diſſeſietur de libero tenemento ſuo, vel libertatibus, vel liberis conſuetudinibus ſuis, &c. Magna chart. chap. 29.

§ Previous to the grant of this charter, the monarch claimed the privelege of converting the freehold of any of his ſubjects into foreſts at his own pleaſure; and of puniſhing, in the ſevereſt manner, often with death itſelf, ſuch of his ſubjects as dared to treſpaſs on his foreſts, or kill his deer. This wholeſome ſtatute ſecured the freeholds of the people to themſelves; reſtrained the exorbitant power of the king's foreſters; and mitigated the puniſhments of thoſe who offended.

but

but be obſervable with what repugnance mankind yeild to the loſs of whatever degree of political liberty they have been accuſtomed to enjoy, and ſubmit their necks to the yoke of ſubjection. The Duke of NORMANDY was himſelf conſcious of this; and, in analogy with the general conduct of other artful tyrants, and uſurpers, after having rendered the nation, by one fatal overthrow, completely incapable of oppoſing him any farther, he choſe rather to appeal to the common principles of equity, and juſtice, in his purſuit after the crown, than to the full power he poſſeſſed from the deciſion of the ſword. According to MALMSBURY, therefore, he conſented to receive it as the free gift of the people of ENGLAND, whom, by his coronation oath he promiſed to govern righteouſly "by the "appointment of good laws, and the obſervation "of true juſtice, and the utter prohibition of all "rapine, and falſe judgment:" and according to another hiſtorian,† to claim it merely in conſequence of a full promiſe of the late king EDWARD, made, and confirmed in the preſence of many of his nobles; and as immediate and hereditary deſcendant by his mother's ſide: EDGAR ATHELING, who alone could oppoſe him in this reſpect, being too debilitated in his intellects to render him a proper candidate for election.

As year advanced on year, the diſputes of the king, and the barons, and their mutual exertions to obtain the intereſt, and ſupport of the people, ſecured to them an addition of conſtitutional rights,

† Harleian Miſcellapy, Hiſt. of William the Conqueror.

which,

which, it is probable, they would never, otherwiſe, have enjoyed. And the commons, who were, at firſt, merely ſummoned to be witneſſes of what was propoſed by the other two eſtates in the government, at length began to act for themſelves, and to put on a more manly appearance.

The power of taxing themſelves, therefore, a ſecond bulwark of ſecurity to the people, was obtained by their parliament in the reign of EDWARD I: a power which was of immenſe advantage to them; and of which, by witholding ſupplies, or compounding the grant of them for other ſtipulations, and privileges, they made a very ſpirited uſe, during ſeveral of the ſucceeding reigns.†

During that of EDWARD III, was enacted, as before obſerved, in this tract, the celebrated ſtatute for ſeſſional parliaments. But the prerogative which had been uſurped by EDWARD I. of chartering particular towns with peculiar, and excluſive privileges, and permitting them to delegate repreſentatives for themſelves in parliament, a prerogative which continued to be occaſionally exerciſed till the union with SCOTLAND, was a conſiderable barrier to the progreſs of popular liberty;* and gave the king an influence among the commons, which he otherwiſe, would not have poſſeſsed.

† This memorable ſtatute is generally known by the title of De Tallagio non concedendo. It decreed that no tax or other aſſiſtance ſhall be impoſed or levied without the joint conſent of both houſes of parliament. Nullum tallagium, vel auxilium per nos vel hæredes noſtros, in regno noſtro ponatur, ſeu levetur, ſine voluntate et aſſenſu, &c.

* Even ſince the reign of HENRY VI. the number of borough repreſentatives *are* increaſed by *two hundred*.

In the mutability of the ENGLISH conſtitution, however, the ariſtocratical influence of the barons, which was, hereby, ſo eſſentially diminiſhed, obtained, in a ſhort time, its former extent, and moment. For in the reign of HENRY VI. the power of voting was infamouſly curtailed on the part of the people: firſt of all by being limited to thoſe only who had eſtates of forty ſhillings annual value; and immediately afterwards to thoſe alone who poſſeſſed freeholds of that amount.

Under the houſes of TUDOR, and STUART, the popular liberty of this kingdom, and, of conſequence, its conſtitution, was extremely fluctuating, and deſultory; and upon the whole, it loſt much in perfection and equality. The introduction of the ſtar-chamber,§ the high commiſſion,‖ and the ſtannary court; the compulſory demand of loans, benevolences, and ſhip-money; and the frequent refuſals to aſſemble the repreſentatives of the people in parliament, were violent infringements on their acknowledged rights, and freedom. On the contrary, the repeal of the abſurd exiſting laws againſt high treaſon, enacted in the reign of HENRY VIII;† and afterwards of all the above infringements at once,* though only for a ſhort period of time, and a full declaration of their illegality; and the introduction of the triennial,‡ and habeas corpus acts, appear in ſome ſmall meaſure to atone for the violences at other times committed, and to reſtore the conſtitution to ſomething more of an equilibrium.

§ In the reign of HENRY VIII. ‖ In that of ELIZABETH.
† During the reign of EDWARD VI. * In that of CHARLES I.
‡ In the ſame reign.

It

It muſt, however, be obſerved that no ſtep ſufficiently effective was, at any time taken to reſtrain the crown from the ſame undue influence in future. The nation in general was content with the ſimple recognition, and repoſſeſſion of a privilege when it had been wreſted from them; but did not exert itſelf to prevent thoſe uſurpations in future. The prerogative of WILLIAM and MARY, therefore, was, in every eſſential circumſtance, as extenſive when they aſcended the throne, as that of the STUARTS had been in any period of their reigns; at leaſt they poſſeſſed ſufficient power to exert themſelves as arbitrarily. The rights of the people were more deciſively ſtated, it is true, but the ſame capability ſtill reſided in the crown of ſubverting thoſe rights; a power which even but a few years ſince we muſt recollect having heard of, as a power "that had increaſed, was increaſing, and "which ought to be diminiſhed†."

 There

† What would have been the declaration of Mr. LOCKE, had he lived till this period I know not. But this is the poſition he laid down a century ſince reſpecting ſuch encroachments—that if ever the independence of either of the three branches of the legiſlature ſhould be loſt, or become ſubſervient to the views of either of the other two, there would be an entire diſſolution of the bands of government; and the people would have the ſupreme power to alter the legiſlative power, having acted contrary to the truſt repoſed in them: "for when ſuch truſt is abuſed" continues he, "it is thereby forfeited, and devolves to thoſe who gave it."

On Government, part 2.

"As all human things have a termination," ſays the Baron MONTESQUIEU, "the BRITISH ſtate will loſe its liberty; it will periſh. "ROME, CARTHAGE, and SPARTA have not theſe periſhed in former times? It will periſh when the legiſlative power ſhall be more corrupt than the executive. *L'Eſprit des Loix*, liv. 11, ch. 6.

Explicit as theſe propheſies are, the late Lord CHATHAM proceeded farther, and pointed out the expreſs time when they were to be verified. "He agreed with me" ſays the Earl of BUCHAN "in remarking that "THOMSON, the poet, in the midſt of Gothic inſtitutions of feudal "origin, had deſcribed the platform of a perfect government. And when

There is no act of late years that has given so much promise of effectually restraining such exorbitancies as the act of settlement.* It expressly declares that "no pardon under the great seal of "ENGLAND shall be pleadable to an impeach-"ment by the commons in parliament." And to render the members of the privy council personnally responsible for their transactions, and advice, it ordains "that all matters and things relating to "the well governing of this kingdom, which are "properly cognizable in the privy council, by the "laws and customs of this realm, shall be transacted "there; and, all resolutions taken thereupon, *shall* "*be signed by such of the privy council as shall ad-*"*vise and consent to the same.*" It states in a third article that "no person having any office, or place "of profit under the king, or receiving a pension "from the crown, shall be capable of serving as "a member in the house of commons." If this clause were, now, to be enforced, what dreadful havoc would it make in the BRITISH senate, and how woefully would its numbers be diminished. But, to the misfortune of this country, these last two wholesome provisions for its freedom and prosperity, were repealed a few years afterwards, during the reign of queen ANNE.†

when I asked him, "but, sir, what will become of poor ENGLAND that "doats on the imperfections of her pretended constitution?" he replied, "my dear lord, the gout will dispose of me soon enough to prevent me "from feeling the consequence of this infatuation. But before the end "of this century either the parliament will reform itself from within, or "be reformed with a vengeance from without."

Lives of Fletcher and Thomson.

Dreadful predictions from sages who were capable of foreseeing! May the peaceable reformation from within effectually prevent that which is menaced with so much violence from without.

* In the 12th year of WILLIAM and MARY.

† MONTESQUIEU who, as judge BLACKSTONE remarks, gene-

What were the particular events that occurred at the moment of the REVOLUTION have been already an object of attention and remark. Some few advantages have been attained which were not then poſſeſſed, and ſome advantages, were at at that time poſſeſſed, which we are now, perhaps, to ſeek for in vain. On the whole, as before obſerved, the conſtitution of 1688 is, in effect, with ſcarcely any exception of real moment, the conſtitution of 1793: little has been done to render it better, and not much to render it worſe. It was imperfect at that time, and continues highly ſo ſtill.†

Let

rally ſpoke and wrote with the genuine ſpirit of freedom, has compoſed a long chapter in praiſe of the conſtitution of ENGLAND. But how mortifying is it to obſerve him at laſt, after having thus profuſed the warmeſt eulogiums upon it, conclude with this equivocal ſentence. "That it is "foreign from his purpoſe to announce whether the ENGLISH actually "enjoy the liberty he has thus been deſcribing, or not: and that it is ſuf-"ficient for him to obſerve that it is eſtabliſhed by their laws, and he "enquires no farther." L'Eſprit des Loix, Liv 11. chap. 6.

† It may not be amiſs, however, to point out a few of the inconſiſtencies, to call them by no ſeverer term, that have crept in ſince that æra. Till the union with SCOTLAND the king poſſeſſed an unlimited power of chartering boroughs, and permitting them to elect parliamentary repreſentatives for themſelves. Of courſe the number of repreſentatives might, till then, be continually varying and uncertain. But the act of union expreſsly aſcertains the number for both kingdoms which cannot poſſibly be tranſgreſſed, determining for South BRITAIN 513, and for SCOTLAND 45. This number, however, being certain and determinate, to preſerve an equal ballance between the two eſtates of parliament, the number of peers ſhould he determinate likewiſe. But here the prerogative of the crown is left uncontroled, and the king has a power of creating whatever number he pleaſes, at his own arbitrary diſcretion. There is an inſtance in the reign of queen ANNE of not leſs than twelve peers having been created at once. And it was in conſequence of this, a few years afterwards, a bill was introduced among the lords for limiting the number of the peerage. It actually paſſed through the houſe; but the commons anxious for a higher honor than that of repreſenting the nation, and reflecting that they ſhould, hereby, in a great meaſure exclude themſelves from that additional honor, rejected it when it was ſent down for their aſſent.

By 9 Anne, ch. 5. the only qualification for a repreſentative in parliament is £600 per ann. *either copy or freehold* for every knight of the ſhire, and £300 per ann. for every other candidate. Every copyholder has, hereby, therefore, a right to propoſe himſelf a repreſentative for his coun-

Let us not then blame miniſters, or the parliament,

try. But the powers entruſted to a repreſentative muſt be far ſuperior to thoſe of an elector of ſuch repreſentative, and attended with by far more danger to the country, if there be any danger in either inſtance. Yet by the 31 Geo. 2. ch. 14. ſect. 1. no mere copy-holder to any extent is allowed to give his vote on any account; and very ſevere penalties are decreed in caſe of tranſgreſſion.

The only prerequiſites for the office of legiſlation being, as above ſtated, £600 per ann. in the one inſtance, and £300 per ann. in the other, no teſt is required, independent of the declaration of proteſtantiſm, as an induction into the legiſlative office, or as a prudent circumſpection over it; yet in every, even the meaneſt, executive office, a teſt the moſt rigid is exacted, and a penalty the moſt ſevere inculcated in caſe of diſobedience. I contend not for the introduction of a teſt in the former inſtance, but only remark the incongruity of the continuance of ſuch in the latter.

Such are ſome of the inconſiſtencies that attend the ſyſtem of parliamentary repreſentation in ENGLAND; and which, to the univerſal ear of mankind, ſo loudly call for a reform. But groſsly defective, and inadequate as this is to the purpoſe it aims at, it is a ſyſtem altogether praiſeworthy, and perfect when compared with the mode of election in SCOTLAND.

In this part of the iſland, during the earlier period of the reign of JAMES VI. every freeholder was admitted to vote, however ſmall the value of his property. But a ſtatute was afterwards enacted, in the ſame reign, that deprived all freeholders of the privilege of voting, whoſe poſſeſſions did not amount to forty ſhillings annually, *of old extent*. With this unjuſt excluſion the ſyſtem of election continued for a conſiderable period of time. But, in the reign of GEORGE II, the curtailment, already great, was made ſtill greater. For at this time an act was paſſed, and which ſtill continues to operate, prohibiting the admiſſion of every proof of this old extent, excepting a *retour*, or verdict of a jury, or inqueſt given prior to the year 1681. This retour, or evidence, however, it had never been cuſtomary to record till 1633. And the generality of retours previous to that time, not enjoying this public depoſit, had accidentally been loſt or deſtroyed.

According to the preſent practice of election, then, thoſe only who poſſeſs the property, and ſuperiority, or even the ſuperiority alone in property, wadſet, or life-rent lands, valued at £400 Scots; and thoſe few who can produce retours previous to the year 1681, of forty ſhillings lands, are entitled to give their ſuffrages.

"A life-rent voter is created by the transfer of the life-rent of a bare "ſuperiority, producing ſome trifling feu-duty. At the death of the vo- "ter the right reverts to the granter. He then, transfers it to ſome other "perſon, and thus keeps up a continual ſucceſſion of dependent voters; "whereof he can create as many as he has 40 ſhillings lands, or valuati- "ons of £400 Scots upon his eſtate.——A wad-ſet voter is a perſon who "has paid to the proprietor of a ſuperiority a certain ſum, however ſmall, "for the intereſt of which he receives the yearly feu-duties.

"Such are the men who return the members for our counties; whilſt "the proprietors of ſeveral thouſands a year may not poſſeſs a ſingle vote "upon their eſtate."

Fergusſon's Reform of Repreſentation in Scotland.

ment, *individually*, for any of the evils under which we labour. We have had miniſters, and parliaments of all parties. But experience has taught us that the effect has, in every inſtance, been ſimilar. The ſame conduct has been uniformly exhibited, and the ſame complaints univerſally poured forth. And though, by the oppreſſions of more arbitrary miniſters, or the intrigues, and profuſions of more crafty, theſe laſt have, for a period, been ſilenced, and ſuppreſſed, the indignant ſpirit of the people has always rouſed itſelf, in a ſhort time, from its inglorious ſlumber; and, with redoubled energy, demanded reparation and redreſs. It is to a REFORM IN THE CONSTITUTION, it is to a ſyſtem of leſs corruption, and inequality, it is to the nation at large acting unanimouſly with vigor and perſeverance, that we can alone look up with any ſolid hope, or ſatisfaction of heart. The paſſions of mankind are the ſame in all ages; and their virtue equally fragile. Many a miniſter may have entered into his office with the beſt, the moſt patriotic reſolutions poſſible: but the pomp of power, the necromantic ſmile of monarchy has ſullied, in a moment, the purity of his intentions, and all his boaſted reſolutions have fled from him like a dream. The path his predeceſſors have purſued he finds to be the moſt ſplendid, and the moſt profitable; corruption is an engine eaſy to be employed; the treaſures of a nation are at hand, and when he once conſents to debaſe himſelf with the uſe of theſe, there are myriads of meagre ſycophants at once crouding around him, and contending, like puppets, for the honor of dancing to his nod.

One of the wiſeſt decrees in the conſtitution of AMERICA is that of a NATIONAL CONVENTION, delegated by the people univerſally,

to meet once in ſeven years, (independant of the congreſs at that time ſitting for the tranſaction of public buſineſs) and to reviſe every part of their former ſyſtem of government: to reject what has proved amiſs, and introduce what has appeared defective. Had a council like this, with ſtated periods of time alloted for its convention, compoſed a part of the conſtitution of GREAT BRITAIN, moſt of our public grievances would, long ago, have been redreſſed, and the voice of complaint been nearly ſilent through the nation. But deſtitute as we are, by our conſtitution, of ſuch a periodical council, much as I wiſh for a general reformation, and ſtrenuous as many patriotic ſocieties are in their exertions for it, I have my fears whether it will ever effectually take place. And, whether thoſe fears are well or ill-founded, futurity alone muſt determine. It can never be brought forwards effectually by any oppoſition party in the houſe of commons whatſoever; becauſe an oppoſition always implies a minority: and the preſent ſyſtem of miniſterial management, and the immenſe reſources reſerved for that purpoſe, preclude it moſt ſecurely from ever being otherwiſe. And, on the other hand, the acquiſition of miniſterial power is accuſtomed to produce ſuch a metamorphoſis in the minds of men, that even thoſe who have been moſt reſolute and clamorous for a reform, and have obſerved its neceſſity moſt pointedly, when in a more private ſtation,—on the moment of entering into the miniſterial office, have univerſally exhibited a total change in their ſentiments: a change that has ſubverted every former idea on the ſubject; and either reduced their tongues to perpetual ſilence, or made them vociferous on the oppoſite ſide of the queſtion.

FINIS.

BRITISH 12 AP 71 MUSEUM